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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/942,602

08/31/2001

Kia Silverbrook

AP73US

7468

24011

7590

02/22/2005

SILVERBROOK RESEARCH PTY LTD  
 393 DARLING STREET  
 BALMAIN, 2041  
 AUSTRALIA

EXAMINER

WU, XIAO MIN

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/942,602

Applicant(s)

SILVERBROOK, KIA

Examiner

XIAO M. WU

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-10, 14-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo US Patent No. (6,512,497) in view of Swartz et al. (US Patent No. 6,095,418).

As to claims 1, 17, 18, Kondo discloses an electronic text and/or graphics presentation device including: scanning means (e.g. optical scanner for reading or scanning a CD 5); a user input control means (13, 14, Fig. 1); processing means ((21, Fig. 2) coupled to the scanning means the programming means operatively programmed to generate a data signal corresponding to the text and/or graphics in response to control signal from the user input control means; and a display means (11, 12, Fig. 1) arranged to received the data signal from the processing means and display the text and/or graphics.

It is noted that Kondo does not specifically disclose the recording or storage medium is a pattern encoding text and/or graphics.

Swartz is cited to teach a pattern encoding text and/or graphics can be printed in a card and the information stored in the card can be decoded and display on a screen. (See Fig. 4). It would have been obvious to one of ordinary skill in the art to have replaced the recording medium of Kondo with the features of encoding information stored in a card as taught by Swartz

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because Swartz's card with encoding information can be reproduced in a simple way such as to print a pattern encoding text and/or graphics on a card.

As to claim 2, Kondo discloses a foldable housing comprising first and second housing portions pivotal relative to each other (see Fig. 1).

As to claim 3, Kondo discloses a common spine (16, Fig. 1).

As to claims 5-8, it would have been obvious to have included a retracting means such as a roller arranged to retract the card into the device because the card needs to be scanned or read inside of the housing.

As to claims 9, 10, Kondo discloses a card storage magazine (e.g. inside of the housing see col. 2, lines 36-39).

As to claims 14 and 15, it would have been obvious to have two print circuit boards because two displays can be driven by their own drivers.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo US Patent No. (6,512,497) in view of Swartz et al. (US Patent No. 6,095,418) as applied to claims 1-3 above, and further in view of Isao (JP 2001-100667).

As to claim 4, it is noted that Kondo and Swartz do not disclose the spine includes a battery compartment. Isao is cited to teach two foldable displays similar to Kondo. Isao further discloses that the spine includes a battery compartment (41). It would have been obvious to one of ordinary skill in the art to have modified Kondo with the features of the battery compartment in the spine as taught by Isao so that the display housing can be designed thinner.

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4. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo US Patent No. (6,512,497) in view of Swartz et al. (US Patent No. 6,095,418) as applied to claims 1-3 and 10 above, and further in view of Phillipps (US Patent No. 6,107,988)

As to claim 11, it is noted that both Kondo and Swartz do not disclose a flexible display. Phillipps is cited to teach a foldable display similar to Kondo. Phillipps further discloses that the display is a flexible display (see col. 4, lines 62-65). It would have been obvious to one of ordinary skill in the art to have modified Kondo and Swartz with the features of the flexible display as taught by Phillipps because the flexible display is not easy to break.

As to claim 12, it is well known in the art that the LCD can be a bi-stable (e.g. on or off states).

As to claim 13, Phillipps discloses a loop of a flexible display upon pivoting the first and second housing portions to a closed position in order that creasing of the display is avoided (see Fig. 11, and col. 4, line 66 to col. 5, line 3).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo US Patent No. (6,512,497) in view of Swartz et al. (US Patent No. 6,095,418) as applied to claim 1 above, and further in view of Ohara et al. (US Patent No. 6,052,117).

As to claim 16, it is noted that Kondo and Swartz do disclose the input control means includes a joystick. Ohara is cited to teach notebook type display similar to Kondo. Ohara discloses a joystick in the device. It would have been obvious to one of ordinary skill in the art to have modified Kondo and Swartz with the feature of the joystick as taught by Ohara so as to provide an input control for the display.

***Response to Arguments***

6. Applicant's arguments filed 10/18/2004 have been fully considered but they are not persuasive. Applicant argues that one of the ordinary skill in the art understands that two-dimensional bar codes are limited in the amount of information they can represent and required specialized scanners, and this is why in the only embodiment disclosed in Swartz related to encoding book information, it is necessary to print a separate two-dimensional bar on each page of the book. This argument is not persuasive because Swartz clearly teaches that text or graphic information of the book can be encoded into a two-dimensional barcode. Swartz further discloses that the barcode symbol contains high information density and capacity (col. 3, lines 5-24). Thus, the size of the information stored in the two-dimensional barcode symbol is considered as an obvious design choice. The limitation of "entire document" reads on "one page information of the book" encoded into the barcode symbol as taught by Swartz.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patrick Edouard**, can be reached on (703) 308-6725.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**


**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw

February 18, 2005

  
**XIAO WU**  
**PRIMARY EXAMINER**  
**ART UNIT 2674**